

COHEN & GREEN

May 31, 2023

Hon. Vera M. Scanlon, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

By Electronic Filing.

Re: Payamps v. City of New York, 22-cv-00563

Dear Judge Scanlon:

We are co-counsel for Plaintiff in this matter. We submit this brief reply in further support of Plaintiff's motion for an order compelling the Defendants to provide the files on a thumb drive or hard drive. We would like a representative from our office to pick up a thumb drive or hard drive from Mr. Pesin. I would not be going to 100 Church to copy or pick up a thumb drive. Our thinking was that the City would use their resources to put the files on a drive of some sort, someone from our office would pick it up, and deliver it to counsel.

Plaintiff's counsels are not available to come to 100 Church Street to sit in a room supervised by Mr. Pesin. While Mr. Pesin states that there are security concerns, he neglects to specify what concerns could not be accommodated with a password-protected thumb drive. Defendants have created this time limitation by their discovery delays and the current time crunch of Defendants' making presents no time for Plaintiff's counsel to sit in a room at 100 Church within the next 2.5 days. Additionally, such a requirement is effectively cutting Plaintiff's statute of limitations by two days since the statute of limitations expires this weekend. Finally, we need our existing files with us while reviewing the files in question. We thank the Court for its time.

Respectfully submitted,

/s/

Jessica Massimi

Pronouns: She/Her

Remy Green

Pronouns/Honorific: they, them / Mx.

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cc:

All relevant parties by ECF.